

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:30 p.m. on January 22, 2001 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Avis Swartzman, Revisor of Statutes
 Ben Barrett, Legislative Research Department
 Carolyn Rampey, Legislative Research Department
 Judy Steinlicht, Secretary

Conferees appearing before the committee:

Others attending: See Attached List

Chairman Umbarger introduced Carolyn Rampey, Legislative Research Department, to give a report on The Legislative Educational Planning Committee (LEPC). Carolyn first told about the origin of the committee and the role of the committee as in the attached "Role of the Legislative Educational Planning Committee". (Attachment 1)

The planning committee introduced 13 bills this year which are listed in "Briefing on Bills Recommended by the Legislative Educational Planning Committee". (Attachment 2) The LEPC wanted the Education Committee to know that because of a snow storm and subsequent cancellation of their December meeting that these bills were not approved by the majority of the committee. Historically the LEPC does not bring bills forward unless they have been approved by the committee. Some of these may not have been brought forward had the LEPC met in December. This is the first time this has happened. Carolyn went through each of the 13 bills explaining each, although some of the bills are in other committees. The explanations are in attachment 2. Of the 13 bills, five are presently in the Senate Education Committee. They are **SB5, SB6, SB7, SB10 and SB 11**. The others listed in attachment 2 are presently in other committees.

A Motion was made by Senator Schodorf to approve the Committee Minutes for January 11, 2001 and January 16, 2001. The motion was seconded by Senator Teichman. Motion passed.

On January 18, 2001, it was announced that Senator's Umbarger, Vratil and Downey would meet in Senator Downey's office on Thursday mornings at 8:00 a.m. for a planning meeting for the following week. That has been changed to Tuesday morning at same time, 8:00 a.m.

Chairman Umbarger adjourned the meeting.

The next meeting is scheduled for January 23, 2001 at 1:30 p.m.

January 16, 2001

ROLE OF THE LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

The Legislative Educational Planning Committee was created statutorily in 1974 when federal funds were available for postsecondary educational planning and Kansas created a legislative committee to receive the money. (Federal funding ended in the early 1980s.) The statutory charge to the Committee was to "plan for postsecondary education in Kansas, including both public and private institutions and vocational-technical education." The Committee consists of six representatives and five senators appointed by the Legislative Coordinating Council. It functions primarily as an interim committee, although on occasion it meets when the Legislature is in session.

The Committee initiates its own studies and may be assigned topics by the Legislative Coordinating Council. The Higher Education Coordination Act, enacted in 1999, charges the Committee with monitoring the implementation and operation of the act and reporting annually to the Governor and to the Legislature on higher education coordination, including recommendations to amend the act.

The Committee has made an effort to maintain continuity over the years and to emphasize its role as an ongoing presence in the area of postsecondary education. Until the enactment of the Higher Education Coordination Act, the Committee was the central collection point and clearinghouse for much of the state's postsecondary education data, including federal reports. The Committee has developed close ties with each educational sector, including the private colleges and universities, and has long promoted the interaction and coordination of the sectors in the development of long-range plans. Long before all public postsecondary institutions were put under the jurisdiction of the same board, the Committee encouraged the State Board of Education and the State Board of Regents to hold regular joint meetings on postsecondary education issues and promoted consortia and other voluntary initiatives that contributed to a postsecondary education system, not a collection of institutions under different boards. A review of the Committee's activities over the years reveals recurring themes of better articulation among institutions to ease the movement of students, support for job training and meeting the needs of adult learners, and making postsecondary education more accessible to Kansas residents, evidenced by more than a dozen bills introduced by the Committee over the years that either established or amended student assistance programs.

Since the enactment of the Higher Education Coordination Act, the Committee has worked closely with the State Board of Regents and its staff to monitor implementation of the act and continues to serve as a forum for the discussion of issues relating to postsecondary education. It also maintains regular contact with the Education Commission of the States and the Midwest Higher Education Commission, of which Kansas is a charter member, on matters affecting higher education on a regional basis.

*Senate Education
1-22-01
Attachment 1*

January 19, 2001

To: Senate Education Committee

From: Carolyn Rampey, Principal Analyst

Re: Briefing on Bills Recommended by the Legislative Educational Planning Committee

**SB 5—Definition of “Postsecondary Educational Institution”
—Referred to Senate Education Committee**

SB 5 is requested by the State Board of Regents on behalf of Washburn University. The bill would amend the Kansas Higher Education Coordination Act (1999 SB 345) by including “municipal university” in the definition of “postsecondary educational institution.” When SB 345 was being considered, Washburn University asked to be excluded from provisions of the bill that were viewed as impinging on the authority of the Washburn University Board of Regents. However, deleting the University from the definition of postsecondary educational institution went farther than the University intended. The proposed change would not affect the supervision or coordination of the University by the State Board of Regents, but would ensure that Washburn is included in the definition of postsecondary institution, along with the state universities, community colleges, technical colleges, and area vocational schools.

**SB 6—Limits on the Powers and Duties of the State Board
of Regents With Regard to Community Colleges—
Referred to Senate Education Committee**

SB 6 is requested by the State Board of Regents. The bill would amend the Kansas Higher Education Coordination Act by adding a section to the list of duties of the Board of Regents that makes it clear that, whatever duties the Board has, they do not override the authority of local community college boards of trustees to be responsible for community college property or for the management of their community colleges. When the community colleges were put under the State Board of Regents July 1, 1999, no change was made in how the institutions were governed—the local boards of trustees continued to be responsible for the operation and management of the community colleges and for community college property. The requested amendment would reinforce existing provisions of the law by expressly listing the powers of community college boards of trustees as a limitation to the powers and duties of the State Board of Regents.

Senate Education
1-22-01
Attachment 2

**SB 7—Deletion of Requirement that Community Colleges
be Accredited by a State Board—Referred to
Senate Education Committee**

SB 7 is requested by the State Board of Regents. The bill would amend a section of the law that dates back to the early years after community colleges became part of a state system in 1965. At that time, the State Board of Education was charged with accrediting public and private junior colleges, as well as elementary and secondary schools. Since that time, the community colleges have come under the accreditation of the North Central Association of Schools and Colleges/Commission on Institutions of Higher Education. The rationale for the proposed change is that North Central accreditation ensures that standards of instructional quality, governance, administration, and consumer protection have been met. The community colleges presently are the only postsecondary institutions under the jurisdiction of the Board of Regents that are required to be accredited by either the State Board of Regents or the State Board of Education.

**SB 8—Change in School Years Used to Determine
Washburn University's Operating Grant—Referred
to Senate Ways and Means Committee**

SB 8 is requested by the President of Washburn University and has been approved by the State Board of Regents. The Higher Education Coordination Act provides for operating grants to Washburn University and the community colleges that are based on full-time-equivalent (FTE) enrollment at the institutions multiplied times the average amount of money from the State General Fund spent per FTE lower division student the prior year at the regional universities (Emporia, Fort Hays, and Pittsburg State). The present distribution formula allows the institutions to use the higher enrollment of the year for which the appropriation is made or the prior year. Because final FTE enrollment is not known until the end of the school year, an adjustment in funding usually is necessary at the end of the fiscal year to take into account actual enrollment figures. The community college distribution formula contains a remnant of prior law that allows for an end-of-the-year adjustment to be made, but the Washburn formula does not. Washburn University is requesting that, instead of having to use the higher enrollment of the current or the prior year, it be allowed to use the higher enrollment of the two prior years for purposes of distributing its operating grant.

**SB 10—Input from the Community Colleges in the
Selection of Core Indicators—Referred to
Senate Education Committee**

SB 10 is requested by the State Board of Regents. The Kansas Higher Education Coordination Act provides that, beginning in FY 2003, public postsecondary institutions will be eligible to receive a performance funding grant of up to 2.0 percent of their State General Fund appropriation the prior year. Funding will be allocated on the basis of performance indicators selected and approved by the Board of Regents for each institution. Institutions will be required to implement institutional improvement plans in FY 2002 that show how they

will measure their performance on each indicator. The proposed amendments would specify that the State Board must identify core indicators for each community college separately, after considering the core indicators recommended by each community college's board of trustees. (The law already allows the indicators to vary among the institutions and among institutional sectors, but the proposed amendment would require that core indicators must be identified for the community colleges separately.) Further, core indicators for all other postsecondary institutions under the jurisdiction of the State Board of Regents would have to be developed after consideration of the indicators recommended by each institution. In the case of Washburn University, the area vocational schools, and the technical colleges, the State Board should consider indicators that have been developed by the respective governing bodies of those institutions, based on the needs of each institution.

SB 11—Designation of the Lead State Agency for Purpose of the Carl D. Perkins Vocational and Technical Education Act of 1998—Referred to Senate Education Committee

SB 11 is requested by the State Board of Regents and the State Board of Education. Legislation enacted by the 2000 Legislature makes the State Board of Education the lead agency for supervision of the Carl D. Perkins Vocational and Technical Education Act of 1998. The responsibility had resided with the State Board of Education until the enactment of 1999 SB 345, at which time the responsibility was moved to the State Board of Regents. Under the act, federal funds for vocational education are received by both secondary and postsecondary institutions. Federal law requires that only one entity in a state can be designated the administrator of the act. While responsibility for administering the act was moved to the State Board of Regents, staff and associated funding for administrative expenses remained with the State Department of Education and the State Board of Education allocated federal vocational education funding both to secondary schools under its jurisdiction and to postsecondary institutions under the State Board of Regents. The 2000 Legislature moved responsibility for administering the act back to the State Board of Education, in recognition of the fact that the State Department was performing the administrative duties of the lead agency. However, the legislation has a July 1, 2001, termination date of Kansas' acceptance of the provisions of the Carl D. Perkins Vocational and Technical Education Act of 1998 in order to ensure that the Legislature would make a decision as to whether the State Board of Education should continue to be the designated administrator for the act or whether the designation should be transferred to the State Board of Regents. Both boards were asked to continue to work out an agreement that would be the basis for a permanent solution to the matter.

SB 11 would implement the agreement the boards have worked out. Under the bill, the lead agency designation would continue to reside with the State Board of Education through June 30, 2004, which is the date the existing state plan for vocational education that is required under the act no longer is effective. After June 30, 2004, the responsibility for administering the act will be transferred to the Kansas Board of Regents, along with 11 or 12 staff positions allocated to the State Department of Education whose duties are associated with administering the act.

**SB 12—Kansas Tax Exemption for Retirement Benefits
Paid Washburn University Employees—Referred
to Senate Ways and Means Committee**

SB 12 is requested by the State Board of Regents on behalf of Washburn University. Washburn University employees are covered under the Teachers Insurance Annuity Association-College Retirement Equities Fund (TIAA-CREF), as are employees of the state universities. However, retirement benefits of state university employees are exempt from taxation under Kansas income tax law, but not those of Washburn employees. SB 12 would treat Washburn employees the same as employees at the state universities and would exempt their retirement benefits from Kansas income taxation.

**HB 2013—Determination of a Student's Financial Resources and the
Amount of an Award under the State Scholarship Program—
Referred to the House Higher Education Committee**

HB 2013 is identical to legislation recommended by the LEPC during the 2000 Session (HB 2590), which did not pass. The State Scholarship Program is the state's oldest student assistance program, established in 1963. Scholars are designated on the basis of academic merit, but awards are made only if there is financial need. The primary selection requirement is completion of the Regents' recommended high school curriculum. The proposed bill would base the determination of a student's financial resources on criteria provided under federal methodology of need analysis, rather than on a dollar amount specified in the statute, as presently is the case. In addition, the amount of an award would be set at not to exceed 75 percent of the average amount of total tuition and required fees of full-time, in-state students enrolled at a state university. The present award limit is \$1,000 per year. The Committee's rationale in recommending the legislation is to allow flexibility in determining the maximum award and not tie the award to an out-dated statutory amount.

**HB 2014—Amendments to Professional Service Scholarships—
Referred to House Appropriations Committee**

HB 2014 is closely patterned after legislation recommended by the Committee during the 2000 Session (SB 381), which passed the Senate but died in the House Appropriations Committee. The state provides financial assistance to students enrolled in particular fields of study, in exchange for the students' commitment to practice or be employed in targeted professional areas for a certain period of time, most commonly one year of service for each year of financial assistance. HB 2014 would make changes to a number of these programs, generally in order to streamline the administration of the programs by eliminating inconsistencies among them and generally updating the law. Programs included in the bill are the Kansas Nursing Student Scholarship Program, the Osteopathic Scholarship Program, the Teacher Scholarship Program, the Optometry Education Program, the Ethnic Minority Fellowship Program, the Advanced Registered Nurse Practitioner Program, and the Kansas National Guard ROTC Scholarship Program. (HB 2014 differs from 2000 SB 381 in that the latter bill also would have created a new professional scholarship program for

dentists.) A number of the amendments contained in the bill would standardize or make consistent similar provisions in similar programs. A major proposed change would be increasing the maximum amount of the scholarships that can be awarded annually to the cost of attendance at a state university or a percentage of the cost of attendance, depending upon the program. Present law sets a specific dollar amount for each program. The rationale for the proposed change is to replace specific dollar amounts with a percentage of average actual costs, thus eliminating the need to revise the statutes periodically to reflect changes in the cost of educational programs.

**HB 2015—Exemption of Postsecondary Education Institutions
from Child Care Facilities Licensure for the Operation of
Educational or Recreational Programs—Referred to House
Health and Human Services Committee**

HB 2015 is requested by the State Board of Regents on behalf of Washburn University. Washburn University operates a National Youth Sports Program Camp under the auspices of the National Collegiate Athletic Association, as do some of the state universities. The state universities have claimed an exemption to the requirement that they be licensed by the State Department of Health and Environment as child care facilities operated for children under 16 years of age by virtue of the fact that the licensure requirement does not apply to “state institutions maintained and operated by the state.” The change proposed in HB 2015 would specifically state that the licensure requirement does not apply to educational or recreational programs conducted or operated by a postsecondary educational institution, as defined in the Higher Education Coordination Act.

**HB 2016—Change in Name of Wichita State University
Endowment Association and Authority for Wichita
State University to Dispose of Books or Art Objects
—Referred to House Higher Education Committee**

HB 2016 is requested by the State Board of Regents on behalf of Wichita State University and would make two changes. First, the name of the Wichita State Endowment Association would be changed to “Wichita State Foundation.” No change would be made to the function of the entity, which is to serve as the investing agent for Wichita State University endowments and bequests and to have certain authority for capital improvements at the University. The reason for the change is that the word “foundation” is considered more inclusive than “endowment association” and more accurately describes the broader function that the entity currently performs.

The second change would be to add “Wichita State University” to the list of institutions identified in KSA 76-116d for purposes of disposing of books or objects that are part of a collection. Apparently, the University was overlooked for inclusion in the statute when it became part of the state system in the 1960s. The purpose of the statute that would be amended is to exempt state university collections from state law relating to obsolete,

condemned, or surplus property. The statute allows state universities to trade or sell books and art objects for the purpose of purchasing additions to university collections.

**HB 2017—Cleanup Amendment to the Kansas Postsecondary Education Savings Program (“Learning Quest”)—
Referred to House Appropriations Committee**

HB 2017 is requested by State Treasurer Tim Shallenburger, whose office administers the Kansas Learning Quest program. The Kansas Learning Quest Program became operational July 1, 2000, and allows persons to open an account with as little as \$25 a month in order to save to pay for higher education expenses. Under both state and federal law, interest earned on money in a postsecondary education savings account will not be taxed until withdrawn to pay the educational expenses of the beneficiary of the account. The State Treasurer’s concern pertains to a trust fund that exists in current law, into which would be credited deposits made by account owners if the State Treasurer were to be the manager of the state savings program. Kansas law establishing the savings program was patterned after similar legislation in New York but needs to be amended to reflect the fact that, in Kansas, accounts are managed not by the State Treasurer but by a private investment company (American Century Investment Company). HB 2017 would conform the law to current practice by creating the Kansas Postsecondary Education Savings Program Expense Fund in the State Treasury and would abolish the Kansas Postsecondary Education Savings Program Trust Fund. (No money has ever been credited to the Trust Fund.) Into the Expense Fund would be credited money received by American Century Investment Company from account owners that is then remitted to the State Treasurer’s Office for payment of expenses incurred to administer the program.

HB 2018—Amendments to the Qualified Admissions Requirement—Referred to House Higher Education Committee

HB 2018 is requested by the State Board of Regents. Beginning in the fall of 2001, high school graduates who plan to enroll at a state university must meet one of the following criteria:

1. Achieve an American College Test (ACT) composite score of 21 or above;
or
2. Rank in the top one-third of the student’s high school graduating class; or
3. Complete the Regents Qualified Admissions Curriculum with at least a 2.0 grade point average on a 4.0 scale. (The curriculum consists of four units of English, three units of natural science, three units of specified math courses, three units of specified social sciences courses, and one unit of computer technology.)

The staff of the Board of Regents is making progress to develop qualified admissions guidelines and has identified several areas in which changes are requested. HB 2018 would implement several of the State Board's suggested changes, although in one case not in the exact form as requested. The first change would allow for the admission of a qualified student prior to the student's graduation, in recognition of the fact that students often apply and are admitted to a state university before they graduate. The second change would allow a score of 990 or higher on the Scholastic Assessment Test-I (SAT) to meet the entrance requirement. That score is considered to be comparable to an ACT composite score of 21 or higher. The third change pertains to the qualifying score for admittance of a Kansas resident on the basis of the general educational development (GED) certificate and would replace the current qualifying score of 50 points with the requirement that the student have a GED certificate. (The 50-point requirement was mistakenly included in the statutes, because the minimum score to pass the GED is 225.) The Committee's recommendation is not as stringent as that requested by the State Board of Regents, which supported a total GED score of 250 points, and a score of not less than 50 points on each of the test's subtests.